

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA.

Plaintiff

V.

ROMAN VALERYEVICH SELEZNEV

Defendant

| NO. CR11-0070RAJ

**MOTION FOR NEW PRETRIAL
MOTIONS I DEADLINE**

Noting Date: October 30, 2015

At the October 16, 2015, *Fareta* hearing, the Court granted defendant's motion to continue the *Fareta* hearing to October 27, 2015. The Court also granted defendant's request to strike the existing Pretrial Motions I deadline of October 26, 2015. The Court indicated it would set a new Pretrial Motions I deadline. By this Motion, the government requests that the Court set the deadline for November 6, 2015, with a briefing schedule similar to the original briefing schedule.

The government understands the need for a modest extension of the Pretrial Motions deadline so that the defense has time after the *Farella* hearing to finalize any motions it intends to file. However, the continuance should be limited to what is truly necessary, and the motions should still be heard in December. This is necessary to preserve the rest of the case schedule, which was based on the assumption the motions would be heard on December 11. For example, the case schedule requires the

1 government to produce its preliminary exhibit and witness lists, and make certain other
 2 pretrial disclosures, on December 30. In addition, the filing deadline for the second set of
 3 pretrial motions is January 16, 2016, with numerous further deadlines to follow. The
 4 government is concerned that if the Pretrial Motions I deadline slips too far, the
 5 downstream deadlines could be put in jeopardy.

6 The proposed November 6 deadline represents an 11-day extension of the motions
 7 deadline (equal to the 11-day continuance of the *Farettta* hearing), which means the
 8 defense will have the same amount of time to finalize its motions as it would have had in
 9 the absence of the continuance. The proposed schedule is as follows:

Event	Old Schedule	New Schedule
<i>Farettta Hearing</i>	October 16, 2015	October 27, 2015
Deadline to File Pretrial Motions I (dismissal, discovery/Brady, bill of particulars, etc.)	October 26, 2015	November 6, 2015
Response Briefs	November 16, 2015	November 25, 2015
Reply Briefs	November 23, 2015	December 7, 2015
Motion Hearing	December 11, 2015	TBD

18 The proposed extension is fair to the defendant but will also keep the case
 19 schedule on track. It provides the defense with the same amount of time between the
 20 *Farettta* hearing and the motions deadline as existed prior to the continuance of the
 21 *Farettta* hearing. The schedule also provides a longer period for the defense to file their
 22 reply briefs to account for the fact that the reply period now falls over the Thanksgiving
 23 holiday. That is, just as the original schedule provided the defense a one-week (Monday
 24 to Monday) period to reply, the proposed schedule would also allow a full one-week
 25 (Monday to Monday) reply period excluding the holiday and holiday weekend.

26 This trial has already been continued four times, resulting in a cumulative delay
 27 from October 6, 2014 to May 9, 2016. To avoid any further delay, the Court should
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1 | impose a Pretrial Motions I schedule that allows for the adjudication of pretrial motions
2 | in December and preserves the remaining deadlines.

3 | DATED this 5th day of October, 2015.
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5 | Respectfully submitted,
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8 | /s/ Norman M. Barbosa
9 | NORMAN M. BARBOSA
9 | Assistant United States Attorney
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13 | /s/ Seth Wilkinson
14 | SETH WILKINSON
14 | Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on October 19th, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorney of record for Defendant.

s/ Jennifer J. Witt
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